

# HOUSE BILL 1331

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2lr3247  
CF SB 968

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By: Delegates Carr, Beidle, Bobo, Cane, Frush, Hucker, Luedtke, Niemann,  
Reznik, S. Robinson, Stein, and Weir

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 27, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Residential Property Sales – Disclosure of Utility Consumption**

3 FOR the purpose of requiring a vendor of certain single family residential property to  
4 ~~display or make available~~ provide, on written request, certain utility  
5 information under certain circumstances; ~~requiring a vendor to make available~~  
6 ~~certain utility information in a certain manner; authorizing a vendor to provide~~  
7 ~~to prospective purchasers a certain home energy rating score;~~ providing that  
8 this Act does not apply to certain sales or transfers of property; providing that  
9 certain information is provided without warranties; establishing that this Act  
10 does not prohibit a local government from enacting a certain more stringent  
11 local law; requiring the State Real Estate Commission to submit a certain  
12 report on or before a certain date; providing for the application of this Act; and  
13 generally relating to disclosure of utility consumption prior to the sale of single  
14 family residential property.

15 BY repealing and reenacting, without amendments,  
16 Article – Real Property  
17 Section 1–101(l) and (n)  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2011 Supplement)

20 BY adding to  
21 Article – Real Property

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 10-702.1  
2 Annotated Code of Maryland  
3 (2010 Replacement Volume and 2011 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Real Property**

7 1-101.

8 (l) “Purchaser” has the same meaning as buyer or vendee.

9 (n) “Vendor” has the same meaning as seller.

10 **10-702.1.**

11 (A) (1) THIS SECTION APPLIES ONLY TO SINGLE FAMILY  
12 RESIDENTIAL REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY  
13 UNITS.

14 (2) THIS SECTION DOES NOT APPLY TO:

15 (I) THE INITIAL SALE OF SINGLE FAMILY RESIDENTIAL  
16 REAL PROPERTY:

17 1. THAT HAS NEVER BEEN OCCUPIED; OR

18 2. FOR WHICH A CERTIFICATE OF OCCUPANCY HAS  
19 BEEN ISSUED WITHIN 1 YEAR BEFORE THE VENDOR AND PURCHASER ENTERED  
20 INTO A CONTRACT OF SALE;

21 (II) A TRANSFER THAT IS EXEMPT FROM THE TRANSFER TAX  
22 UNDER § 13-207 OF THE TAX – PROPERTY ARTICLE, EXCEPT LAND  
23 INSTALLMENT CONTRACTS OF SALE UNDER § 13-207(A)(11) OF THE  
24 TAX – PROPERTY ARTICLE AND OPTIONS TO PURCHASE REAL PROPERTY  
25 UNDER § 13-207(A)(12) OF THE TAX – PROPERTY ARTICLE;

26 (III) A SALE BY A LENDER OR AN AFFILIATE OR A  
27 SUBSIDIARY OF A LENDER THAT ACQUIRED REAL PROPERTY BY FORECLOSURE  
28 OR DEED IN LIEU OF FORECLOSURE;

29 (IV) A SHERIFF’S SALE, TAX SALE, OR SALE BY  
30 FORECLOSURE, PARTITION, OR COURT-APPOINTED TRUSTEE;

1 (V) A TRANSFER BY A FIDUCIARY IN THE COURSE OF THE  
2 ADMINISTRATION OF A DECEDENT'S ESTATE, GUARDIANSHIP,  
3 CONSERVATORSHIP, OR TRUST;

4 (VI) A TRANSFER OF SINGLE FAMILY RESIDENTIAL REAL  
5 PROPERTY TO BE CONVERTED BY THE BUYER INTO A USE OTHER THAN  
6 RESIDENTIAL USE OR TO BE DEMOLISHED; OR

7 (VII) A SALE OF UNIMPROVED REAL PROPERTY.

8 (B) (1) AS PROVIDED IN THIS SUBSECTION, A VENDOR OF SINGLE  
9 FAMILY RESIDENTIAL REAL PROPERTY SHALL ~~DISPLAY OR MAKE AVAILABLE TO~~  
10 ~~PROSPECTIVE PURCHASERS AT THE LOCATION OF THE RESIDENTIAL REAL~~  
11 ~~PROPERTY~~ PROVIDE, ON WRITTEN REQUEST, COPIES OF ELECTRIC, GAS, AND  
12 HOME HEATING OIL BILLS, OR A DOCUMENT DETAILING THE MONTHLY  
13 ELECTRIC, GAS, AND HOME HEATING OIL USAGE OF THE RESIDENTIAL  
14 PROPERTY, FOR THE 12-MONTH PERIOD BEFORE THE PROPERTY WAS FIRST  
15 MARKETED FOR SALE.

16 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF  
17 THIS SUBSECTION SHALL BE PROVIDED IF:

18 ~~(I) DISPLAYED OR MADE AVAILABLE DURING ANY~~  
19 ~~SCHEDULED PERIOD OF TIME WHEN THE RESIDENTIAL PROPERTY IS HELD~~  
20 ~~OPEN FOR PUBLIC VIEWING OR FOR VIEWING BY AN INDIVIDUAL PROSPECTIVE~~  
21 ~~PURCHASER; AND~~

22 ~~(II) INCLUDED IN OR WITH ANY DOCUMENTS THAT INCLUDE~~  
23 ~~DESCRIPTIONS OF THE RESIDENTIAL PROPERTY AND ARE MADE AVAILABLE TO~~  
24 ~~A PROSPECTIVE PURCHASER AT THE LOCATION OF THE RESIDENTIAL~~  
25 ~~PROPERTY.~~

26 (I) THE REQUEST IS MADE BY A PROSPECTIVE PURCHASER  
27 WHO HAS SIGNED A LETTER OF INTENT; AND

28 (II) THE VENDOR HAS ACCESS TO THE INFORMATION.

29 ~~(3) IN ADDITION TO THE INFORMATION REQUIRED UNDER~~  
30 ~~PARAGRAPH (1) OF THIS SUBSECTION, A VENDOR MAY PROVIDE TO~~  
31 ~~PROSPECTIVE PURCHASERS A HOME ENERGY RATING SCORE FROM A HOME~~  
32 ~~ENERGY AUDIT OF THE RESIDENTIAL PROPERTY CONDUCTED DURING THE~~  
33 ~~12 MONTH PERIOD BEFORE THE PROPERTY WAS FIRST MARKETED FOR SALE.~~

1           ~~(4)~~ (3)       THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT  
2 THE VENDOR FROM MAKING UTILITY INFORMATION AVAILABLE TO  
3 PROSPECTIVE PURCHASERS IN A SALE LISTING ON THE MULTIPLE LISTING  
4 SERVICE.

5           (4)       THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF  
6 THIS SUBSECTION IS PROVIDED WITHOUT WARRANTIES, EITHER EXPRESS OR  
7 IMPLIED, INCLUDING AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY  
8 OF THE INFORMATION.

9           (C)       THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT FROM  
10 ENACTING A LOCAL LAW REQUIRING A VENDOR TO PROVIDE UTILITY  
11 INFORMATION THAT IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS  
12 SECTION.

13           SECTION 2. AND BE IT FURTHER ENACTED, That the State Real Estate  
14 Commission shall develop methods to inform consumers of the right to request utility  
15 information under this Act and, on or before December 31, 2012, the Commission shall  
16 report to the Senate Judicial Proceedings Committee and the House Environmental  
17 Matters Committee, in accordance with § 2-1246 of the State Government Article, on  
18 the Commission's efforts to increase consumer awareness and the effectiveness of any  
19 methods the Commission has implemented.

20           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall be  
21 construed to apply only prospectively and may not be applied or interpreted to have  
22 any effect on or application to any single family residential property marketed for sale  
23 before the effective date of this Act.

24           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.